Paper No. 29

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte NOBORU KOYAMA,
FUMIHIKO KAISE,
and
HIROE HONMA

Appeal No. 1999-2719
Application No. 08/637,807

HEARD: OCTOBER 25, 2001

Before HAIRSTON, LALL, and BLANKENSHIP, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 6, 13 through 18 and 25 through 31.

The disclosed invention relates to a method and apparatus for playing back low resolution image data that

is

produced from high resolution image data stored in a recording medium.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

> 1. A playback apparatus for playing back image data stored in a recording medium which has an image file having a plurality of high resolution image files containing high resolution image data, at least one index file containing more than one low resolution image data produced from the high resolution image data, a management file containing management data for displaying the high resolution image files specified by their respective low resolution image data, and a management data table containing location data for identifying relative recording locations of the image file and the management file on the recording medium based on recording units of the recording medium, comprising:
>
> a playback means for retrieving the image file from the recording medium and playing back the image data in the image file;
>
> a display means for displaying images of the image data played back by the playback means; and
>
> a controller means for retrieving a single one of the at least one index file from the recording medium by referring to the management data in the management file and the location data in the management data table and controlling the playback means so that the more than one low resolution image data in the retrieved single index file is displayed on the display means.

The references relied on by the examiner are:

Yoshimura et al. (Yoshimura)	5,126,851	Jun. 30, 1992
Mankovitz	5,541,738 (filed Apr. 12, 1994)	Jul. 30, 1996

Claims 1 through 6 and 13 through 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mankovitz in view of Official Notice.

Claims 25 through 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshimura in view of Official Notice.

Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshimura, Mankovitz and Official Notice.

Reference is made to the brief (paper number 20) and the answer (paper number 21) for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 1 through 6, 13 through 18 and 31, and sustain the obviousness rejection of claims 25 through 30.

According to the examiner (answer, pages 4 and 5), Mankovitz discloses all of the claimed subject matter of claims 1 and 13 except for low resolution image data. The examiner took Official Notice (answer, page 5) that "it is notoriously well known in the video recording art to compress image information by subsampling the same, thereby reduce [sic] the resolution thereof, and record the image information as a compressed low-resolution image data on a tape recording medium." Based upon the teachings of Mankovitz and the Official Notice, the examiner then concluded (answer, page 5) that:

> It would have been obvious to one skilled in the art to modify the Mankovitz's video recording apparatus wherein the recording means provided thereof (See Mankovitz's Figure 1, component VCR-1) would incorporate the capability of compressing the received video clip (From the program guide) before recording the same on the recording medium as is well known in the art. Examiner has taken Official Notice. The motivation being to increase the recording density of the recording medium as suggested in the prior art.

Appellants argue (brief, page 8) that the examiner's "proposed motivation to combine, when considered logically, suggests storing only compressed data . . . ," whereas claims 1 and 13 both require compressed data

(i.e., the low resolution image data) and uncompressed data (i.e., the high resolution image data). Appellants also argue (brief, page 9) that "Mankovitz neither teaches nor suggests a single index file that has more than one low resolution image data, as recited in the claims."

Mankovitz is directed to an indexing VCR system that records a broadcasted program guide. The program guide is recorded by the VCR "in the form of a multi-cell grid [Figure 9] and as full frame video so that information concerning each program may be displayed in respective cells in the grid" (Abstract). The program guide is thereafter used to display programs that will be broadcasted at a future date. We agree with appellants' argument (brief, page 9) that Mankovitz is not concerned with "a single index file that has more than one low resolution image data." Even if we assume for the sake of argument that the examiner is correct that Mankovitz discloses all of the limitations of claims 1 and 13 except for low resolution image data, appellants have correctly argued that the examiner's obviousness

rationale requires that all of the recorded image data in Mankovitz be low resolution image data "to increase the recording density of the recording medium" (answer, page 5). As indicated supra, claims 1 and 13 require low resolution image data as well as high resolution image data. For these reasons, the 35 U.S.C. § 103(a) rejection of claims 1 through 6 and 13 through 18 is reversed.

Turning next to the 35 U.S.C. § 103(a) rejection of claims 25 through 30, the examiner is of the opinion (answer, pages 6 and 7) that Yoshimura discloses all of the limitations of claims 25 through 30 with the exception of low resolution image data. The Official Notice relied on in connection with claims 1 through 6 and 13 through 18 was again used in this rejection to demonstrate that it would have been obvious to one of ordinary skill in the art
to modify Yoshimura's video system so that it recorded/reproduced low resolution image data "to increase the recording density of the recording medium" (answer, page 7).

With respect to claim 25, appellants argue (brief, pages 12 and 13) that Yoshimura does not teach "selection of pictures from a larger group of pictures," that "[n]o identification of pictures from a larger group of pictures is performed by Yoshimura's controller 132," and that "all of the images on the disk are displayed" in Yoshimura.

Appellants' arguments to the contrary notwithstanding, Yoshimura discloses a controller, playback device and display device that identifies, retrieves and displays a plurality of pictures from the recording medium (Figure 12; column 10, line 59 through column 11, line 16). The retrieved images in the 5x5 matrix are simultaneously displayed as claimed. Nothing in claim 25 on appeal requires the identification and the selection of pictures from a larger group of pictures. Appellants and the examiner both agree that Yoshimura does not disclose low resolution pictures (brief, page 11; answer, page 7). In the absence of a challenge to the examiner's Official Notice, we agree with the examiner's rationale that it would have been obvious to

the skilled artisan to use low resolution pictures in Yoshimura "to increase the recording density of the recording medium" (answer, page 7). Thus, the 35 U.S.C. § 103(a) rejection of claim 25 is sustained.

The 35 U.S.C. § 103(a) rejection of claims 28 and 29 is likewise sustained because appellants have chosen to let these claims stand or fall with claim 25 (brief, page 3).

With respect to claims 26, 27 and 30, appellants argue (brief, page 13) that Yoshimura and the Official Notice fail to teach "identification of less than all of the pictures from a larger set of pictures." We disagree. Yoshimura clearly explains that the video disk 116 has two multiple image planes stored thereon, and that only one of the image planes is displayed at any one time in a 5x5 matrix (Figure 12; column 10, lines 63 through 68). In view of the teachings of Yoshimura, the 35 U.S.C. § 103(a) rejection of claims 26, 27 and 30 is sustained.

Turning lastly to the obviousness rejection of claim 31, we agree with the appellants' argument (brief, page 15) that "storing both medium resolution pictures and low resolution pictures is contrary to the Examiner's proposed motivation to combine." The 35 U.S.C. § 103(a) rejection of claim 31 is reversed because the applied references and the Official Notice neither teach nor

would have suggested two different picture resolutions.

DECISION

The decision of the examiner rejecting claims 1 through 6, 13 through 18 and 25 through 31 under 35 U.S.C. § 103(a) is affirmed as to claims 25 through 30 and is reversed as to claims 1 through 6, 13 through 18 and 31. Accordingly, the decision of the examiner is affirmed-in-part.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

KENNETH W. HAIRSTON Administrative Patent Judge	)	
PARSHOTAM S. LALL Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
HOWARD B. BLANKENSHIP Administrative Patent Judge	)	

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